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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,868	07/22/2003	Edward Cocciadiferro	034017R009	7539

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EXAMINER

KIM, SANG K

ART UNIT PAPER NUMBER

3654

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/623,868

Applicant(s)

COCCIADIFERRO ET AL.

Examiner

SANG KIM

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Response to Election 4/18/05.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 11-45 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-848)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/15, 10/28, 12/15, 12/17/04
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 3654

***Election/Restrictions***

Applicant's election of Group I (claims 1-10) in the reply filed on 4/18/05 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse.

Claims 11-45 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Group, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4/18/05.

***Oath/Declaration***

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the mailing address of each inventor. A mailing address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing address should include the ZIP Code designation. The mailing address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.

It does not identify the citizenship of each inventor.

It does not identify the city and either state or foreign country of residence of each inventor. The residence information may be provided on either on an application data sheet or supplemental oath or declaration.

The above items are missing for the second listed inventor, Lynn Noble.

### ***Specification***

The attempt to incorporate subject matter into this application by reference to provisional applications without serial numbers is ineffective because the serial numbers identifying some of the applications have not been properly identified.

The incorporation by reference will not be effective until correction is made to comply with 37 CFR 1.57(b), (c), or (d). If the incorporated material is relied upon to meet any outstanding objection, rejection, or other requirement imposed by the Office, the correction must be made within any time period set by the Office for responding to the objection, rejection, or other requirement for the incorporation to be effective. Compliance will not be held in abeyance with respect to responding to the objection, rejection, or other requirement for the incorporation to be effective. In no case may the correction be made later than the close of prosecution as defined in 37 CFR 1.114(b), or abandonment of the application, whichever occurs earlier.

Any correction inserting material by amendment that was previously incorporated by reference must be accompanied by a statement that the material being inserted is the material incorporated by reference and the amendment contains no new matter. 37 CFR 1.57(f).

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 3654

Claims 3-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 3, how is it possible for the spindle to have a replacement position at least 25 degrees away from a longitudinal axis when the spindle is actuated in a horizontal direction of the same longitudinal axis? Is applicant referring to a knob pivoting at least 25 degrees away from a longitudinal axis?

Claim 4 recites the limitation "said angle" in line 16. There is insufficient antecedent basis for this limitation in the claim. Furthermore, how is possible for the angle to range from 60 to 120 degrees? The Knob cannot extend more than 90 degrees from the longitudinal axis.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5-6 and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Erny, U.S. Patent No. 3799465.

With respect to claim 1, Erny '465 shows a support member; a spindle (12) supported by said support member, said spindle having a support extension (13); and a spindle-to-support connector (11), with said spindle-to-support connector (11)

Art Unit: 3654

supporting said spindle (12) [for adjustment] to adjust the spindle between a dispenser mode position and a replacement position.

With respect to claims 5-6, Erny '465 shows a roll retention latch (17) includes a handle member (22) which is adjustable between a first position where the roll is axially slideable off said spindle and a latch position, wherein said roll is precluded from axial sliding off of said spindle, see figure 1.

With respect to claim 8, as stated above, Erny '465 shows the latch (17) includes a latch reception (14) to dispense or replace the roll, see figure 1.

With respect to claim 9, as stated above, Erny '465 shows a release facilitator (22), which actuates the latch (17) to engage or disengage from the roll, see figure 1.

With respect to claim 10, as stated above, Erny '465 shows the spindle has two axially spaced mounting surfaces of different diameter, with an interior one (near far right of 13, non tapered portion) being larger in diameter than a more outer one of said mounting surface (near far left of 13, tapered portion) engaging the core inserts (i.e., the core) in an axial direction, see figure 1.

Claims 1, 5-6 and 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakai et al., U.S. Patent No. 4613092.

With respect to claim 1, Nakai '092 shows a support member; a spindle (3) supported by said support member, said spindle having a support extension (12); and a spindle-to-support connector (8, 11), with said spindle-to-support connector supporting

Art Unit: 3654

(8, 11) said spindle (3) [for adjustment] to adjust the spindle between a dispenser mode position and a replacement position, see figures 3-4.

With respect to claims 5-6, Nakai '092 shows a roll retention latch (16) includes a handle member (18) which is adjustable between a first position where the roll is axially slideable off said spindle and a latch position, wherein said roll is precluded from axial sliding off of said spindle, see figures 3-4.

With respect to claim 8, as stated above, Nakai '092 shows the latch (16) includes a latch reception (14) to dispense or replace the roll, see figure 3.

With respect to claim 9, as stated above, Nakai '092 shows a release facilitator (18), which actuates the latch (16) to engage or disengage from the roll, see figure 1.

Claims 1-4 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Colson, U.S. Patent No. 2353651.

With respect to claim 1, Colson '651 shows a support member (18); a spindle (23) supported by said support member (18), said spindle having a support extension (22); and a spindle-to-support connector (18), with said spindle-to-support connector supporting said spindle (23) [for adjustment] to adjust the spindle between a dispenser mode position and a replacement position, see figures 2-3.

With respect to claim 2, Colson '651 shows the spindle-to-support connector (18) includes a hinge (16 via 25), which provides [for] a rotation of the spindle between the dispenser and replacement positions, see figures 2-3.

Art Unit: 3654

With respect to claims 3-4, Colson '651 shows the spindle (23) pivoting at least 90 degrees away from the longitudinal axis, see figures 2-3.

With respect to claim 7, Colson '651 shows the support extension (22) is adjustable in axial length (i.e., by moving 23), see figures 2-3.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See U.S. Patent No. 3596846 and 6116669.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANG KIM whose telephone number is 571-272-6947. The examiner can normally be reached Monday through Friday from 8:00 A.M. to 5:30 P.M. alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki, can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Application/Control Number: 10/623,868

Page 8

Art Unit: 3654

SK

6/24/05

*Kathy Matecki*

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